

# STATE OF NEW YORK

8661

2017-2018 Regular Sessions

## IN ASSEMBLY

September 1, 2017

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the definition of the practice of pharmacy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 22 of section 6802 of the education law, as  
2 amended by chapter 46 of the laws of 2015, is amended to read as  
3 follows:

4 22. "Administer" [~~for~~] means:

5 a. For the purpose of section sixty-eight hundred one of this article,  
6 means the direct application of an immunizing agent to adults, whether  
7 by injection, ingestion or any other means, pursuant to a patient  
8 specific order or non-patient specific regimen prescribed or ordered by  
9 a physician or certified nurse practitioner, who has a practice site in  
10 the county or adjoining county in which the immunization is adminis-  
11 tered, for immunizations to prevent influenza, pneumococcal, acute  
12 herpes zoster, meningococcal, tetanus, diphtheria or pertussis disease  
13 and medications required for emergency treatment of anaphylaxis. If the  
14 commissioner of health determines that there is an outbreak of disease,  
15 or that there is the imminent threat of an outbreak of disease, then the  
16 commissioner of health may issue a non-patient specific regimen applica-  
17 ble statewide.

18 b. The injecting of medications for the treatment of mental health and  
19 substance use disorder, as prescribed or ordered by a licensed prescri-  
20 ber in this state and in accordance with regulations promulgated by the  
21 commissioner in consultation with the board of pharmacy.

22 § 2. Subdivision 22 of section 6802 of the education law, as added by  
23 chapter 563 of the laws of 2008, is amended to read as follows:

24 22. "Administer" [~~for~~] means:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

LBD13345-01-7

1     a. For the purpose of section sixty-eight hundred one of this article,  
2 means the direct application of an immunizing agent to adults, whether  
3 by injection, ingestion or any other means, pursuant to a patient  
4 specific order or non-patient specific regimen prescribed or ordered  
5 issued by a physician or certified nurse practitioner who has a practice  
6 site in the county in which the immunization is administered. However  
7 if the county where the immunization is to be administered has a popu-  
8 lation of seventy-five thousand or less, then the licensed physician or  
9 certified nurse practitioner may be in an adjoining county. Such admin-  
10 istration shall be limited to immunizing agents to prevent influenza or  
11 pneumococcal disease and medications required for emergency treatment of  
12 anaphylaxis.

13     b. The injecting of medications for the treatment of mental health and  
14 substance use disorder, as prescribed or ordered by a licensed prescri-  
15 ber in this state and in accordance with regulations promulgated by the  
16 commissioner in consultation with the board of pharmacy.

17     § 3. Section 6801 of the education law is amended by adding a new  
18 subdivision 6 to read as follows:

19     6. A licensed pharmacist may administer injectable medications for the  
20 treatment of mental health and substance use disorder, as prescribed or  
21 ordered by a licensed prescriber in this state and in accordance with  
22 regulations promulgated by the commissioner in consultation with the  
23 board of pharmacy.

24     § 4. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law; provided, however, that:

26     a. effective immediately, the addition, amendment and/or repeal of any  
27 rule or regulation necessary for the implementation of this act on its  
28 effective date are authorized to be made and completed by the commis-  
29 sioner of education on or before such date;

30     b. the amendments to subdivision 22 of section 6802 of the education  
31 law made by section one of this act shall not affect the expiration of  
32 such subdivision and shall be deemed to be expired therewith, when upon  
33 such date the provisions of section two of this act shall take effect;

34     c. the amendments to subdivision 22 of section 6802 of the education  
35 law made by section two of this act shall not affect the repeal of such  
36 subdivision and shall be deemed to expire therewith; and

37     d. the amendments to section 6801 of the education law made by section  
38 three of this act shall not affect the expiration of such section and  
39 shall be deemed to expire therewith.